

LOCAL RULES
OF THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS



Including Amendments
Through May 6, 2016

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Effective September 1, 1990

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TABLE OF RULES

PREFACE	1
RULE 1.1 TITLE	2
RULE 1.2 APPLICATION	3
RULE 1.3 SANCTIONS.....	4
RULE 3.1 CIVIL COVER SHEET	5
RULE 4.1 SERVICE OF PROCESS--DISMISSAL FOR FAILURE TO MAKE SERVICE	6
RULE 4.5 FEES	7
RULE 5.1 FORM AND FILING OF PAPERS	8
RULE 5.2 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS	9
RULE 5.3 PERSONAL DATA IDENTIFIERS.....	10
RULE 5.4 FILING AND SERVICE BY ELECTRONIC MEANS	11
RULE 7.1 MOTION PRACTICE.....	13
RULE 7.2 IMPOUNDED AND CONFIDENTIAL MATERIALS	15
RULE 7.3 CORPORATE DISCLOSURE STATEMENT	16
RULE 10.1 [DELETED].....	17
RULE 15.1 ADDITION OF NEW PARTIES	18
RULE 16.1 EARLY ASSESSMENT OF CASES.....	19
RULE 16.2 EXEMPTIONS FROM FED. R. CIV. P. 16(b)	23
RULE 16.3 CASE MANAGEMENT CONFERENCES.....	25
RULE 16.4 ALTERNATIVE DISPUTE RESOLUTION.....	27
RULE 16.5 FINAL PRETRIAL CONFERENCE	29
RULE 16.6 SCHEDULING AND PROCEDURES IN PATENT INFRINGEMENT CASES	32

RULE 26.1	CONTROL OF DISCOVERY	34
RULE 26.2	SEQUENCES OF DISCOVERY	36
RULE 26.3	PHASING OF DISCOVERY	37
RULE 26.4	SPECIAL PROCEDURES FOR HANDLING EXPERTS.....	38
RULE 26.5	UNIFORM DEFINITIONS IN DISCOVERY REQUESTS.....	39
RULE 26.6	COURT FILINGS AND COSTS	41
RULE 30.1	PLACE FOR TAKING DEPOSITIONS.....	42
RULE 30.2	OPENING OF DEPOSITIONS.....	43
RULE 33.1	INTERROGATORIES.....	44
RULE 34.1	DOCUMENT PRODUCTION.....	46
RULE 35.1	DISCLOSURE OF MEDICAL INFORMATION IN PERSONAL INJURY CASES.....	47
RULE 36.1	ADMISSIONS.....	48
RULE 37.1	DISCOVERY DISPUTES.....	49
RULE 40.1	ASSIGNMENT OF CASES	50
RULE 40.2	CONFLICT OF COURT APPEARANCES	54
RULE 40.3	CONTINUANCES	56
RULE 40.4	EMERGENCIES AND SPECIAL PROCEEDINGS.....	57
RULE 41.1	DISMISSAL FOR WANT OF PROSECUTION	58
RULE 43.1	TRIAL	59
RULE 48.1	[DELETED].....	61
RULE 54.3	[DELETED].....	62
RULE 56.1	MOTIONS FOR SUMMARY JUDGMENT.....	63
RULE 58.2	SATISFACTION OF JUDGMENTS	64
RULE 62.2	SUPERSEDEAS BOND.....	65
RULE 67.1	SURETIES	66
RULE 67.2	DEPOSIT IN COURT.....	68
RULE 67.3	DISBURSEMENT OF REGISTRY FUNDS.....	70
RULE 67.4	PAYMENTS AND DEPOSITS MADE WITH THE CLERK	71
RULE 68.2	SETTLEMENT	72
RULE 77.1	SITTINGS.....	73
RULE 77.2	OFFICE OF THE CLERK	74
RULE 79.1	EXHIBITS	75
RULE 81.1	REMOVAL	76

RULE 81.2	DEFINITION OF JUDICIAL OFFICER	77
RULE 83.1A	PROCEDURE FOR ADOPTING, RESCINDING AND AMENDING RULES	78
RULE 83.1B	GENERAL ORDER DOCKET	79
RULE 83.2A	RELEASE OF INFORMATION BY ATTORNEYS.....	80
RULE 83.2B	SPECIAL ORDERS FOR THE PROTECTION OF THE ACCUSED OR THE LITIGANTS IN WIDELY PUBLICIZED OR SENSATIONAL CRIMINAL OR CIVIL CASES.....	82
RULE 83.3	PHOTOGRAPHING, RECORDING AND BROADCASTING	83
RULE 83.3.1	RULE GOVERNING THE PILOT PROGRAM ON PHOTOGRAPHING, RECORDING AND BROADCASTING CIVIL PROCEEDINGS IN THE COURTROOM	84
RULE 83.3.2	PARTICIPATION IN PILOT PROGRAM	87
RULE 83.4	COURTROOM SEARCHES; COURTROOM SEATING	88
RULE 83.5.1	ADMISSION TO THE DISTRICT BAR.....	89
RULE 83.5.2	APPEARANCES.....	91
RULE 83.5.3	PRACTICE BY PERSONS NOT MEMBERS OF THE BAR.....	92
RULE 83.5.4	PRACTICE BY LAW STUDENTS.....	94
RULE 83.5.5	PRACTICE BY <i>PRO SE</i> LITIGANTS.....	97
RULE 83.5.6	ONGOING OBLIGATIONS.....	97
RULE 83.5.7	REGISTRATION FOR ELECTRONIC CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF)	99
RULE 83.6.1	RULES OF PROFESSIONAL CONDUCT	100
RULE 83.6.2	JURISDICTION FOR DISCIPLINARY MATTERS.....	101
RULE 83.6.3	FORMS OF MISCONDUCT.....	102
RULE 83.6.4	FORMS OF DISCIPLINE.....	103
RULE 83.6.5	DISCIPLINARY PROCEEDINGS	104
RULE 83.6.6	TEMPORARY SUSPENSION	108
RULE 83.6.7	DISBARMENT BY CONSENT	110
RULE 83.6.8	DISCIPLINE AFTER CRIMINAL CONVICTION.....	111
RULE 83.6.9	RECIPROCAL DISCIPLINE.....	113
RULE 83.6.10	REINSTATEMENT.....	115
RULE 83.6.11	PUBLIC ACCESS AND CONFIDENTIALITY	117
RULE 106.1	GRAND JURIES.....	118
RULE 106.2	RELEASE OF INFORMATION BY COURTHOUSE PERSONNEL IN CRIMINAL CASES	119
RULE 112.1	MOTION PRACTICE.....	120

RULE 112.2	EXCLUDABLE DELAY PURSUANT TO THE SPEEDY TRIAL ACT	121
RULE 112.4	CORPORATE DISCLOSURE STATEMENT	122
RULE 116.1	DISCOVERY IN CRIMINAL CASES	123
RULE 116.2	DISCLOSURE OF EXCULPATORY EVIDENCE	126
RULE 116.3	DISCOVERY MOTION PRACTICE	129
RULE 116.4	SPECIAL PROCEDURES FOR TAPE RECORDINGS.....	131
RULE 116.5	STATUS CONFERENCES AND STATUS REPORTS PROCEDURE	132
RULE 116.6	DECLINATION OF DISCLOSURE AND PROTECTIVE ORDERS	135
RULE 116.7	DUTY TO SUPPLEMENT	136
RULE 116.8	NOTIFICATION TO RELEVANT LAW ENFORCEMENT AGENCIES OF DISCOVERY OBLIGATIONS	137
RULE 116.9	PRESERVATION OF NOTES	138
RULE 116.10	REQUIREMENTS OF TABLE OF CONTENTS FOR VOLUMINOUS DISCOVERY	139
RULE 117.1	PRETRIAL CONFERENCES.....	140
RULE 117.2	SUBPOENAS IN CRIMINAL CASES INVOLVING COURT-APPOINTED COUNSEL	143
RULE 118.1	EFFECTIVE DATE	144
RULE 200	RENUMBERED AND AMENDED--SEE RULE 203	145
RULE 201	REFERENCE TO BANKRUPTCY COURT	146
RULE 202	BANKRUPTCY COURT JURY TRIALS	147
RULE 203	BANKRUPTCY APPEALS	148
RULE 204	BANKRUPTCY COURT LOCAL RULES.....	152
RULE 205	DISCIPLINARY REFERRALS BY BANKRUPTCY JUDGES.....	153
RULE 206	CORE PROCEEDINGS REQUIRING FINAL ADJUDICATION BY THE DISTRICT COURT....	154
APPENDIX A	FEE SCHEDULE (LOCAL RULE 4.5 SUPPLEMENT).....	155
APPENDIX B	CIVIL COVER SHEET (JS44).....	157
APPENDIX C	LOCAL CIVIL CATEGORY SHEET	160
APPENDIX D	NOTICE OF SCHEDULING CONFERENCE	162
APPENDIX E	LOCAL RULE 16.6 SUPPLEMENT.....	164

PREFACE

At the request of the Committee on Rules and Practice of the Judicial Conference of the United States, local rules dealing with civil practice have been renumbered to key them to the Federal Rules of Civil Procedure. Accordingly, the numbering is not sequential. Criminal Rules will be numbered from 100 to 199, and district court rules relating to bankruptcy from 200 to 299.

RULE 83.5.3 PRACTICE BY PERSONS NOT MEMBERS OF THE BAR

- (a) **Generally.** An attorney who is not a member of the bar of this district may appear and practice in this court as set forth in this rule.
- (b) **Requirement of Good Standing.** Except as provided in paragraph (e)(5) of this rule, no attorney may appear and practice if he or she:
 - (1) is not a member of the bar in good standing in every jurisdiction in which the attorney has been admitted to practice; or
 - (2) is the subject of disciplinary proceedings pending in any jurisdiction in which the attorney is a member of the bar.
- (c) **Attorneys for the United States.** An attorney who is employed by the United States or any of its departments or agencies may appear and practice as an attorney for the United States, any department or agency of the United States, or any officer or employee of the United States.
- (d) **Federal Defenders.** An attorney employed in the Federal Defender's Office in this District may appear and practice as an attorney pursuant to a court appointment or on behalf of his or her office.
- (e) **Procedural Requirements for Admission.**
 - (1) ***Leave of Court Required.*** An attorney who is a member of the bar of any United States District Court or the bar of the highest court of any state may appear and practice in this court in a particular case by leave of court.
 - (2) ***Motion by Local Counsel.*** An application for leave to practice in this court shall be made by motion of a member of the bar of this court, who shall also file an appearance.
 - (3) ***Certification by Attorney.*** Any attorney seeking admission under this rule shall file a signed certification that the attorney:
 - (A) is a member of the bar in good standing in every jurisdiction in which the attorney has been admitted to practice;
 - (B) is not the subject of disciplinary proceedings pending in any jurisdiction in which the attorney is a member of the bar;
 - (C) has not previously had a *pro hac vice* admission to this court (or other admission for a limited purpose under this rule) revoked for misconduct; and

- (D) has read and agrees to comply with the Local Rules of the United States District Court for the District of Massachusetts.
- (4) **Payment of Fee.** An attorney seeking admission under this rule shall pay the appropriate fee to the clerk of court.
- (5) **Attorney Subject to Pending Disciplinary Proceedings.** An attorney who otherwise satisfies the requirements of this rule, but who is the subject of disciplinary proceedings pending in another jurisdiction that have not yet been resolved, may seek to appear and practice in this court by providing, in lieu of the certification required by paragraph (e)(3) of this rule, a full explanation of the nature of the proceedings and the alleged underlying conduct. Such an applicant may not be permitted to appear and practice in this court unless the judicial officer concludes that the proceeding is not reasonably likely to result in disbarment or suspension or other serious attorney disciplinary action.
- (f) **Attorneys in Removed Cases.** An attorney who is a member of the Massachusetts bar who represents a party in a case that has been removed to this court, and who filed an appearance in that case prior to its removal, may appear and practice in this court in that case upon payment of the fee and the filing of the certification required by paragraph (e)(3) of this rule.
- (g) **Attorneys in Multidistrict Litigation Cases.** An attorney who represents a party in a case transferred to this district by the Judicial Panel on Multidistrict Litigation, and who filed an appearance in that case prior to its transfer, may appear and practice in this court in that case under such circumstances as the assigned judge may by order provide.
- (h) **Attorneys in Other Transferred Cases.** An attorney who represents a party in a case transferred to this district from another federal district, other than an MDL case, and who filed an appearance in that case prior to its transfer, shall seek admission under this rule within 21 days of the transfer to this court. The court may waive the requirement of local counsel for good cause shown.
- (i) **Attorneys in Bankruptcy Cases.** An attorney who has been granted leave to appear *pro hac vice* in the bankruptcy court for this district in a case, contested matter, or adversary proceeding may appear and practice in any appeal, motion to withdraw the reference, or other proceeding pending in that same case, matter, or proceeding in the district court without having to file another motion to appear *pro hac vice* in the district court.
- (j) **Emergency Filings.** An attorney who is not a member of the bar of this district may sign a complaint, answer, or other pleading reasonably necessary to prevent the expiration of a period of limitations or an entry of default; provided, however, that any such pleading is accompanied by a motion for admission under this subsection, or such a motion is filed no later than 7 days thereafter.

Effective September 1, 1990; amended effective February 1, 2012, January 1, 2015.